IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

OP.No. 256 of 2002(E)

PETITIONER:

R.PRASANNAKUMARAN NAIR,
S/O.RAGHAVAN NAIR, AGED 46 YEARS,
MANAGING DIRECTOR,
M/S.SHYAM MOTORS PVT. LTD., SOUTH STREET,
FORT, TRIVANDRUM.

BY ADV. SRI.R.S.KALKURA.

RESPONDENTS:
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1. **KERALA STATE ELECTRICITY BOARD,**
   REPRESENTED BY ITS SECRETARY,
   VYDHYUDHI BHAVAN, TRIVANDRUM.

2. **THE ASST. EXECUTIVE ENGINEER,**
   ELECTRICAL MAJOR SECTION,
   KERALA STATE ELECTRICITY BOARD,
   BEACH, TRIVANDRUM.

3. **THE EXECUTIVE ENGINEER,**
   ELECTRICLAL, MAJOR SECTION,
   KERALA STATE ELECTRICITY BOARD,
   BEACH, TRIVANDRUM.

BY ADV.SRI.C.K.KARUNAKARAN S.C,K.S.E.B.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 16/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO. 318/2002 IN O.P. NO. 256/2002

DISMISSED

16/03/2007. **SD/- KURIAN JOSEPH, JUDGE.**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ELECTRICITY BILL FOR THE PERIOD 15/01/2000.

EXT.P.2: COPY OF THE ELECTRICITY BILL FOR THE PERIOD 15/02/2000.

EXT.P.3: COPY OF THE ELECTRICITY BILL DTD. 15/05/2000.

EXT.P.4: COPY OF THE ELECTRICITY BILL DTD. 1/12/2000.

EXT.P.5: COPY OF THE ELECTRICITY BILL DTD. 15/01/2001.

EXT.P.6: COPY OF THE ELECTRICITY BILL DTD. 15/02/2001.

EXT.P.7: COPY OF THE ELECTRICITY BILL DTD. 15/03/2001.

EXT.P.8: COPY OF THE ELECTRICITY BILL DTD. 15/04/2001.

EXT.P.9: COPY OF THE ELECTRICITY BILL DTD. 15/05/2001.

EXT.P.10: COPY OF THE ELECTRICITY BILL DTD. 15/06/2001.

EXT.P.11: COPY OF THE ELECTRICITY BILL DTD. 16/07/2001.

EXT.P.12: COPY OF THE ELECTRICITY BILL DTD. 16/08/2001.

EXT.P.13: COPY OF THE ELECTRICITY BILL DTD. 05/09/2001.

EXT.P.14: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE MINISTER AND ITS ORDER.

EXT.P.15: COPY OF THE REPRESENTATION DTD. 25/09/2001 SUBMITTED BY THE PETITIONER BEFORE THE MINISTER AND ITS ORDER.

EXT.P.16: COPY OF THE REPORT DTD. 20/10/2001 OF THE OFFICE OF THE CHIEF ELECTRICAL INSPECTOR TO GOVT. OF KERALA.

O.P. NO. 256/2002:

EXT.P.17: COPY OF THE REPRESENTATION DTD. 27/10/2001 SUBMITTED BY THE PETITIONER BEFORE THE HON'BLE MINISTER AND ITS ORDER.

EXT.P.18: COPY OF THE ELECTRICITY BILL DTD. 15/09/2001.

EXT.P.19: COPY OF THE ELECTRICITY BILL DTD. 15/10/2001.

EXT.P.20: COPY OF THE ELECTRICITY BILL DTD. 15/11/2001.

EXT.P.21: COPY OF THE ELECTRICITY BILL DTD. 10/12/2001.

EXT.P.22: COPY OF THE REPRESENTATION DTD. 17/12/2001 SUBMITTED BY THE PETITIONER TO THE R.2.

EXT.P.23: COPY OF THE NOTICE ISSUED BY THE R.2. TO THE PETITIONER DTD. 27/12/2001.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

O.P.No.256 of 2002

Dated this the 16th day of March, 2007.

JUDGMENT

Petitioner approached this Court with certain grievances regarding the steps taken for levying penalty on the ground of alleged unauthorised connected load, non-segregation of light meter and faulty capacitor, etc. It is seen that the statutory authority namely the Chief Electrical Inspector who has to look into the matter, has passed Ext.P16 order dated 20.10.2001 issuing three directions which read as follows:

> (1) The consumer may be exempted from penal charges as the unauthorised load is not in existence.
>
> (2) The penal bill dated 5.9.2001 of Senior Superintendent, Electrical Major Section, Thiruvananthapuram issued to Con.No.11788 may be cancelled, as the consumer is already being charged from 12/99 onwards alleging that there is unauthorised load of 13 KW, non-segregation of lighting load fully and for faulty capacitors.
>
> (3) Notice may be issued to the consumer (i) to segregate the lighting load fully from power load (ii) to connect the power load in a standard manner, avoiding looping and (iii) to replace the faulty capacitor with new capacitor/s."

2. The order of the Chief Electrical Inspector having become final there cannot be any objection as regards unauthorised connected load is concerned. As far as the other matters are concerned, it will be open to the Electricity Board to issue notice to the petitioner and to insist for complying with the directions with regard to non-segregation, replacement of the faulty capacitor, etc. It is made clear that only in case the petitioner does not comply with such written instructions, there can be any steps for disconnection or levying penalty. In that view of the matter the impugned orders are quashed making it clear that there shall be no penalty for the alleged unauthorised connected load of 13 KW in view of Ext.P16.

Original petition is accordingly allowed.

KURIAN JOSEPH, JUDGE

vns.